



State of Utah

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Environmental Quality

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JUN 07 2017

Tracy Behling, President  
Ferron Canal & Reservoir Company  
P.O. Box 256  
Ferron City, Utah 84523



DWQ-2017-003262 *Am*

**Subject:** **Approval 401 Water Quality Certification with Conditions.**  
401 Water Quality Certification No.: SPK-2013-00240.  
USACE 404 NWP Permit No.: SPK-2013-00240.

**Applicant:** Ferron Canal & Reservoir Company.  
**Project:** Millsite Dam (Dam) Rehabilitation.  
**Date of Application:** March 31, 2017.  
**Requests:** (1) Extension of the existing outlet works 110 feet downstream for placement of the stability berm; (2) Removal of the existing auxiliary spillway and construction of a new labyrinth weir spillway in its place to pass the design flood event; (3) Raise the Dam crest 4 feet above existing elevation; (4) Install an improved internal drainage system with a flattened slope and downstream berm; (5) Construction of a chimney drain and necessary piping on the downstream slope to collect seepage through the Dam; (6) Other minor repairs/improvements to adjacent Millsite State Park and Millsite Golf Course.

**Purpose:** To rehabilitate the Millsite Dam and Reservoir to meet current Federal and State dam safety engineering and performance criteria; extend the life of the Dam by approximately 66 years.

**Location:** The Project site is located on Millsite Reservoir (Reservoir), approximately 3 miles west of the town of Ferron, in the Colorado River West watershed management unit, in Section 11, Township 20 South, Range 6 East, Salt Lake Meridian, Latitude 39.0994°, Longitude - 111.1976°, Emery County, Utah, and can be seen on the UT-FERRON USGS Topographic Quadrangle.

**Watercourse:** Ferron Creek, Colorado River Watershed Management Unit, Utah.  
**Public Comment Period:** April 29, 2017 to May 28, 2017.  
**Comments Received:** None.

Dear Mr. Behling:

Pursuant to Section 401 of the Federal Water Pollution Control Act, commonly known as the Clean Water Act (CWA), the Utah Department of Environmental Quality, Division of Water Quality (DWQ) certifies that the Ferron Canal & Reservoir Company has provided reasonable assurances that any discharge associated with the Millsite Dam and Reservoir Rehabilitation Project (Project) will not violate surface water quality standards, or cause additional degradation in surface waters not presently meeting water

quality standards. In accordance with Section 401(a)(1) of the CWA [33 U.S.C. Sec. 1341(a)(1)], DWQ hereby issues this 401 Water Quality Certification provided the conditions outlined below are met and included in the U.S. Army Corps of Engineers (USACE) 404 Permit SPK-2013-00240.

The affected portions of the Ferron Creek have the following beneficial uses as stated in Utah Administrative Code (UAC R317-2-6):

Class 2B – Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is a low likelihood of ingestion of water or a low degree of bodily contact with the water.

Class 3C - Protected for nongame fish and other aquatic life, including the necessary aquatic organisms in their food chain.

Class 4 - Protected for agricultural uses including irrigation of crops and stock watering.

As documented in Utah's *2016 Integrated Report*, the Ferron Creek was assessed as Category 3 meaning no assessment has been conducted and more data is required. Ferron Creek continues to be protected by Utah's Water Quality Standards (UAC R317-2-7.2) including the Antidegradation policy (UAC R317-2-3).

The USACE is requested to include all of the conditions of this 401 Water Quality Certification (Certification) in the USACE 404 Permit SPK-2013-00240:

1. Applicant should ensure that all workers involved are continuously aware of the water quality protection measures before the start and during the dredging and construction period.
2. Water quality standards in the Ferron Creek and its tributaries could be violated unless appropriate Best Management Practices (BMPs) are incorporated to minimize the erosion-sediment load to any adjacent waters during Project construction activities. Utah Administrative Code R317-2 (Utah Water Quality Standards) requires that the Project and subcontractors cannot increase water turbidity by 10 NTUs in Ferron Creek or tributaries. A fact sheet describing the Utah Department of Environmental Quality's (DEQ) recommended environmental BMPs for construction sites are located on our web site at: <http://www.deq.utah.gov/Permits/water/updes/docs/utrc00000.pdf>.
3. All flows released from the outlet works during the lowering of the Reservoir will be monitored by the USGS downstream monitoring station 09327000 (downstream station).
4. Any Project related discharge to Ferron Creek should not result in a turbidity increase of more than 10 NTUs or 10 FNU's when compared to the last 24 hour maximum peak reading from the upstream USGS monitoring station 09326500 (upstream station) to the time discharge and if violated shall immediately notify the DWQ. The USGS downstream station will be monitored continuously during any discharge to Ferron Creek in-order verify and document the discharge's turbidity limit is being met. If the turbidity standard or other Water Quality Standards are violated the Project discharge will cease and desist until is able to do so.
5. An annual report will be submitted to the Division Director by December 1 of each year the Project is active. The report will document the times of any Project discharge to Ferron Creek with concurrent readings from both the USGS monitoring stations 09326500 and 09327000 and any known exceedance to the Utah Water Quality Standards, how long the discharge was in exceedance, the time the discharge was stopped, the exceedance resolution process and the DWQ notification details.
6. In any given 24 hour period, placement of sediment in Ferron Creek cannot exceed the total load of incoming sediment to the Reservoir during the same period.



7. If communication fails between one and/or both of the USGS gauges, every effort will be made to notify USGS immediately of a faulty or broken gauge. The Project can continue discharging to Ferron Creek for no more than 48 hours following the failure of the equipment provided water quality standards are not violated. Any procedure for continuance after this 48 hour timeframe will be subject to DWQ approval.
8. Before construction or ground-disturbing activities begin, the Project must receive DWQ approval for the following plans:
  - a) Reservoir Sediment Maintenance (dewatering and fish rescue);
  - b) Instream Turbidity Measurement, Monitoring and Notification;
  - c) Spoils Management and Hazardous Materials (spoils contamination and accidental spills);
  - d) Wetland Mitigation and Monitoring Plan if required by the USGS.
9. Refueling equipment and storage of lubricants and fuels will occur at designated staging areas and in state approved containers. The storage and refueling areas will be at least 100 feet from the edge of the nearest water body (including wetlands), at least 100 feet from the nearest private water supply well, and at least 100 feet from the nearest municipal water supply well.
10. Utah Code Annotated 19-5-114 requires that any spill or discharge of oil or other substances which may cause pollution to the waters of the State, including wetlands, must be immediately reported to the Utah DEQ Spill Hotline at (801) 536-4123, a 24-hour phone number. Applicant agrees to fully remediate any spill or discharge in accordance with all applicable regulations.
11. Applicant must acquire all necessary easements, access authorizations and permits to ensure they are able to implement the Project.
12. The legislatively-mandated fee for 2017 is \$90.00/hour, for review and issuance of the 401 Water Quality Certification <http://www.deq.utah.gov/FeesGrants/fees/docs/2016/DEQFEEDOC17.pdf>, per: (see page 174). An invoice will be sent to you once all plans have been approved. Your payment is due within 30 days.
13. Applicant shall not use any fill material which may leach organic chemicals (e.g., discarded asphalt) or nutrients (e.g., phosphate rock) into waters of Utah.
  - a. Construction activities that disturb one acre or more, or are part of a common plan of development, are required to obtain coverage under the Utah Pollutant Discharge Elimination System (UPDES) Storm Water General Permit for Construction Activities, Permit No. UTRC00000. The permit requires the development of a storm water pollution prevention plan (SWPPP) to be implemented and updated from the commencement of any soil disturbing activities at the site until final stabilization of the Project. A fact sheet describing the permit application procedures are located on our web site at: [www.deq.utah.gov/Permits/water/updes/updes\\_f.htm](http://www.deq.utah.gov/Permits/water/updes/updes_f.htm)
  - b. Dewatering activities, if necessary during the construction, may require coverage under the UPDES General Permit for Construction Dewatering, Permit No. UTG070000. The permit requires water quality monitoring every two weeks to ensure that the pumped water is meeting permit effluent limitations, unless the water is managed on the construction site. For more dewatering information refer to DEQ's website at: <http://www.deq.utah.gov/Permits/water/updes/docs/utrc00000.pdf>.
14. §401 Certification Modification: Without limiting DWQ's discretion to take other actions in accordance with UAC R317-15, and, as applicable, 33 USC 1341, DWQ may modify the Certification to add, delete, or modify the conditions in this Certification as necessary and feasible to address:
  - a) Adverse or potentially adverse Project effects on water quality or designated beneficial uses that did not exist or were not reasonably apparent when this Certification was issued;
  - b) TMDLs;
  - c) Changes in water quality standards;

- d) Any failure of Certification conditions to protect water quality or designated beneficial uses when the Certification was issued; or
- e) Any change in the Project or its operations that will not adversely affect water quality or designated beneficial uses when this Certification was issued.

Please contact Mr. Bill Damery at (801) 536-4354, [wdamery@utah.gov](mailto:wdamery@utah.gov) with any questions you may have concerning this 401 Water Quality Certification with Conditions.

Sincerely,



Erica Brown Gaddis, PhD  
Acting Director

EGB:mmm

cc: Michael Pectol, USACE, via email  
Norm Evenstad, NRCS, via email  
Roger Barton, NRCS, via email  
Bronson Smart, NRCS, via email  
Matt Call, DNR, via email  
Eric Dixon, DNR, via email

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